

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KIMBERLY WOHLTMAN,

Plaintiff,

v.

AMERI-CK, INC.,

Defendant.

Case No. 06-cv-4040-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the Court's April 27, 2007, order to show cause (Doc. 10) why this case should not be dismissed for lack of prosecution for the plaintiff's failure to move for default judgment. The plaintiff has responded with a motion for default judgment (Doc. 12). In light of this response, the order to show cause (Doc. 10) is hereby

DISCHARGED.

Because the plaintiff's claim against the defendant is not for a sum certain or for a sum which can by computation be made certain, the amount of the judgment must be determined pursuant to Federal Rule of Civil Procedure 55(b)(2). Pursuant to that rule, the Court finds that, in order to enable it to enter judgment, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of other matters.

Accordingly, the Court **ORDERS** that an evidentiary hearing be held on May 31, 2007 at 10:30 a.m. to establish the appropriate amount of damages under 15 U.S.C. § 1692k.

IT IS SO ORDERED.

DATED: May 16, 2007

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE